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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,) 2:17-CR-005-KJD-(NJK)
9 Plaintiff,)
10 v.) Preliminary Order of Forfeiture
11 SETH WITTNER,)
12 Defendant.)

13 This Court finds that defendant Seth Wittner pled guilty to Count One of a One-Count
14 Criminal Information charging him with Possession of Child Pornography in violation of Title
15 18, United States Code, Section 2252A(a)(5)(B). Criminal Information, ECF No. 4; Plea
16 Agreement, ECF No. 5; Change of Plea, ECF No. 9.

17 This Court finds defendant Seth Wittner agreed to the forfeiture of the property set forth
18 in the Plea Agreement and the Forfeiture Allegations of the Criminal Information. Criminal
19 Information, ECF No. 4; Plea Agreement, ECF No. 5; Change of Plea, ECF No. 9.

20 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of
21 America has shown the requisite nexus between property set forth in the Plea Agreement and the
22 Forfeiture Allegations of the Criminal Information and the offense to which defendant Seth
23 Wittner pled guilty.

24 The following assets are (1) any visual depiction described in Title 18, United States
25 Code, Section 2252A, or any book, magazine, periodical, film, videotape, or other matter which
26 contains any such visual depiction, which was produced, transported, mailed, shipped or received

1 in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and (2) any property, real or
2 personal, used or intended to be used to commit or to promote the commission of Title 18,
3 United States Code, Section 2252A(a)(5)(B) or any property traceable to such property, and are
4 subject to forfeiture pursuant to Title 18, United States Code, Section 2253(a)(1) and (a)(3):

- 5 1. Apple All In One, S/N WQ0272ZCDAS; and
- 6 2. WD External Hard Disk Drive, S/N WX41AA3F9787

7 (all of which constitutes property).

8 This Court finds the United States of America is now entitled to, and should, reduce the
9 aforementioned property to the possession of the United States of America.

10 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
11 the United States of America should seize the aforementioned property.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest
13 of Seth Wittner in the aforementioned property is forfeited and is vested in the United States of
14 America and shall be safely held by the United States of America until further order of the Court.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of
16 America shall publish for at least thirty (30) consecutive days on the official internet government
17 forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited
18 property, state the time under the applicable statute when a petition contesting the forfeiture must
19 be filed, and state the name and contact information for the government attorney to be served
20 with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,
21 Section 853(n)(2).

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or
23 entity who claims an interest in the aforementioned property must file a petition for a hearing to
24 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be
25 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,
26 Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature

1 and extent of the petitioner's right, title, or interest in the forfeited property and any additional
2 facts supporting the petitioner's petition and the relief sought.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
4 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no
5 later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than
6 sixty (60) days after the first day of the publication on the official internet government forfeiture
7 site, www.forfeiture.gov.

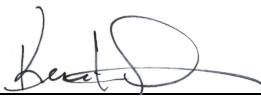
8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if
9 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at
10 the following address at the time of filing:

11 Michael A. Humphreys
12 Assistant United States Attorney
13 Daniel D. Hollingsworth
14 Assistant United States Attorney
15 501 Las Vegas Boulevard South, Suite 1100
16 Las Vegas, Nevada 89101.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described
18 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate
19 agency following publication of notice of seizure and intent to administratively forfeit the above-
20 described property.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies
22 of this Order to all counsel of record.

23 DATED this 1st day of March, 2017.

24 
25 K. D. Johnson
26 UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on February 27, 2017.

/s/ Heidi L. Skillin
HEIDI L. SKILLIN
FSA Paralegal